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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/740,771	12/19/2000	Christopher J. Scafidi	100.154US01	5416	
7590 09/16/2002 Fogg, Slifer & Polglaze, P.A.		1	EXAMINER		
P.O. Box 581009 Minneapolis, MN 55458-1009			NGO, H	NGO, HUNG V	
			ART UNIT	PAPER NUMBER	
			2831 DATE MAILED: 09/16/2002	. 7	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/740,771

Applicant(s)

Scafidi

Examiner

Hung V. Ngo

Art Unit **2831**

1) Responsive to communication(s) filed on Aug 22, 2002 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) Claim(s) 86-147		The MAILING DATE of this communication appears	on the cover she	et with:	the correspondence address			
THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be waitible under the processor of 27 GH 1.13 (a). In no event, however, may a reply be timely field after SIX (8) MONTES from the mailing date of the communication. If the period for each specified aftering the processor of 27 GH 1.13 (a). If the period for each specified aftering the processor of 27 GH 1.13 (a). Fallute to reply within the set or attended print of reply will, by static, cause the epidentian on Six: Reply within the set or attended print of reply will, by static, cause the epidentian, even if timely filed, may reduce any served patent term objectives. Set 37 GH 1.704(b). Status 1) [X] Responsive to communication(s) filled on Aug 22, 2002 2a) This action is FINAL. 2b) [X] This action is non-final. 3] Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11; 453 O.G. 213. Disposition of Claims 4) [X] Claim(s) [8:147] (a) It has been excepted any set of the server of timely filed after the set of the server of timely filed in the septication. 5) [Claim(s) [8:474] (a) [Claim(s) [8:474] (b) [Claim(s) [8:474] (claim(s) [8:474] (cl								
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Claim(s)	4) 🗶	Claim(s) <u>86-147</u>			is/are pending in the application.			
Claim(s)	4	la) Of the above, claim(s)			is/are withdrawn from consideration.			
Claim(s)	5) 🗆	Claim(s)			is/are allowed.			
Application Papers 9)	6) 🗌	Claim(s)	<u> </u>		is/are rejected.			
Application Papers 9	7) 🗆	Claim(s)			is/are objected to.			
9 The specification is objected to by the Examiner. 10 The drawing(s) filed on	8) 💢	Claims <u>86-147</u>	are	subject	to restriction and/or election requirement.			
The drawing(s) filed on	Applica	ition Papers						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on	9) 🗌	The specification is objected to by the Examiner.						
The proposed drawing correction filed on	10) ☐ The drawing(s) filed on is/are a) ☐ accepted or b) ☐ objected to by the Examiner.							
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) The translation of the foreign language provisional application has been received. 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)		Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
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DETAILED ACTION

Election/Restriction

- 1. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - I. Figure 2
 - II. Figure 3
 - III. Figure 4
 - IV. Figure 5
 - V. Figure 7
 - VI. Figure 8
 - VII. Figure 9
 - VIII. Figure 10
 - IX. Figure 11

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently none of the claims are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung V. Ngo whose telephone number is (703) 308-7614. The examiner can normally be reached on Tuesday to Friday from 8:30 a.m. to 06:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard, can be reached on (703) 308-3682.

The fax phone number for this Group is (703) 305-3431 or (703) 305-3432.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Hung V. Ngo

September 13, 2002

HUNG V. NGO PATENT EXAMINER

Hus VHgr